

TOWNSHIP OF WALL
ORDINANCE NO. 14 - 1989

AN ORDINANCE REGULATING WITHIN THE TOWNSHIP OF WALL THE TOWING OF VEHICLES FROM THE SCENE OF AN ACCIDENT OF DISABLED VEHICLES, AND OR VEHICLES WHEN NECESSARY TO SAFEGUARD THE PUBLIC HEALTH, SAFETY AND WELFARE WITHIN THE TOWNSHIP OF WALL.

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL IN THE COUNTY OF MONMOUTH AND STATE OF NEW JERSEY, AS FOLLOWS:

Section 1. DEFINITIONS. For the purpose of this ordinance, the following terms shall have the meanings set forth herein:

a. GARAGE - any building or property other than a private garage, available to the public, operated as a business and which is used for the storage, repair, rental, lubrication, washing, servicing, adjusting or equipping of automobiles or other motor vehicles and which complies with the provisions of the Zoning Ordinance of the Township of Wall.

b. TOWING APPARATUS - a motor vehicle including but not limited to a wrecker, tow truck or flatbed truck employed for the purpose of towing, transporting, conveying and removing any vehicle without causing damage to the vehicle being towed or transported.

c. VEHICLES - shall be deemed to include but not limited to automobiles, trucks, tractors, trailers, motorcycles, minibikes, mopeds, gocarts, trail bikes, buses, ski mobiles, farm equipment

or any other mechanically-powered conveyance which shall be or become disabled, or required to be towed from the scene of an accident or in order to safeguard the public health, safety and welfare.

Section 2. PERMIT. No person, firm, or corporation shall participate in the police towing of vehicles within the Township without first having made application for and obtained the necessary permit as hereinafter provided from the Chief of Police. A copy of said permit shall be filed by the Chief of Police with the Zoning Officer of the Township of Wall.

Section 3. APPLICATION AND FEES. Applications for permits issued under this regulation shall be made upon forms made available by the Chief of Police. The application shall include the following information:

a. The description by make, model, license number, year, vehicle identification number and color of all towing apparatus for which permits are requested, together with the principal location at which the towing apparatus will be maintained.

b. The block and lot number and mailing address of the garage at which the application has space available for properly accommodating and providing for the security of all towed motor vehicles.

c. A letter from the Land Use Officer of the Township verifying that the storage of motor vehicles is a permitted use upon the premises where the garage is located. At no time shall there be more vehicles stored upon the premises where the garage is located than that permitted by the Zoning Ordinance of the Township of Wall.

d. Certificates of required insurance.

e. A filing fee of \$500.00 shall accompany each application for a permit.

Section 4. FILING DATE. Upon this ordinance becoming effective, applications shall be received by the Chief of Police during the thirty-day period immediately following and shall be acted upon in accordance with the other provisions of this regulation. The Chief of Police shall be authorized to issue up to six (6) towing permits, of which four shall be regular towing operators and two shall be alternates.

All permits issued under this ordinance shall expire on the last day of December next succeeding the date of issuance. Prior to renewal of any permit issued hereunder, the Chief of Police shall conduct a review of all permit holders to assess their compliance with the terms and provisions of the within ordinance and of the Zoning Ordinance of the Township of Wall.

Section 5. INVESTIGATION. Within thirty (30) days after receipt of an application, the Chief of Police shall cause an investigation

to be made of the applicant and his proposed business operation and shall make or have made an inspection of the towing apparatus proposed to be used in connection therewith. All applicants and/or operators shall be fingerprinted and a permit shall not be issued to a person convicted of a crime of moral turpitude.

The Chief of Police may delegate the inspection of the towing apparatus to a person or persons, who shall make such an inspection and who shall report to the Chief of Police whether the towing apparatus is in a condition that will not interfere with the public health, safety and welfare and complies with the requirements and standards of this ordinance, as given herein. Upon completion of the investigation and inspection, the Chief of Police shall either refuse to approve the application or shall approve the application in accordance with the standards given herein, and shall inform the applicant of his decision.

Section 6. CONDITIONS OF ISSUANCE OF PERMIT. The Chief of Police shall approve an application when he finds that the following requirements have been met by the applicant:

a. The insurance policies as required have been procured and supplied.

b. The applicant has at least two (2) wreckers/tow trucks in use and operation in order to assure the efficient and diligent

dispatch of towing apparatus upon the request of the Wall Township Police Department.

c. The applicant and proposed operators are qualified to operate the towing apparatus and conduct a towing service in the Township. Permit holders will be required to submit a list of operators and their legal addresses and keep the Police Department informed to any changes therein.

d. The requirements of this ordinance and all other laws, statutes, and ordinances have been complied with.

e. All towing apparatus proposed to be used have been properly licensed and conform to the State Motor Vehicle Laws.

f. The towing apparatus to be approved meet the required minimum standards, set forth herein.

g. Receipt of a favorable letter from the Zoning Officer in accordance with Section 3.c. of this ordinance.

Section 7. MINIMUM STANDARDS FOR TOWING APPARATUS. The following shall serve as a minimum standard for towing apparatus:

a. A wrecker or tow truck or flatbed truck shall be capable of handling, removing and towing any vehicle as defined in Section 1. of this ordinance and must have or be equipped with the following:

- (1) All wreckers and towers and flatbed trucks shall have a minimum weight of three-quarters (3/4) ton according to the manufacturer's specifications.

- (2) A power take off or an adequate electric-operated winch with a minimum cable thickness of three-eighths (3/8) inch steel.
- (3) A three-eighths (3/8) inch safety chain. The life chain and the safety chain are not to be attached in any form or manner to the same part of the tow truck or wrecker or flatbed truck.
- (4) Front and rear flashing hazard lights.
- (5) A three-hundred-sixty degree rotating amber beacon light mounted above the cab or approved light bar.
- (6) All lights shall be of such candlepower and intensity as to be visible one-fourth (1/4) of a mile away.
- (7) The company name, address, and phone number permanently affixed on both sides of the wrecker or tow truck or flatbed truck. The letters and numbers shall be a minimum of 3 inches in height.
- (8) A portable motor vehicle car dolly for each wrecker.
- (9) Approved towing slings.
- (10) Broom and shovel
- (11) Commercial motor vehicle plates

Section 8. INSURANCE POLICIES. Each permittee shall obtain the following policies of insurance naming the Township as an additional insured prior to receipt of a permit:

i. Garage Keeper's Policy - A garage keeper's legal liability policy covering fire, theft and explosion in the minimum amount of \$100,000.00 and collision coverage.

ii. Garage Liability Policy - A garage liability policy covering the operation of the applicant's towing apparatus for any bodily injury or property damage in the minimum amount of \$300,000.00 bodily injury and \$100,000.00 property damage.

Each policy required herein must contain an endorsement providing ten days notice to the Township in the event of cancellation.

Section 9. IDENTIFICATION PERMIT. The Chief of Police shall issue to the person owning approved towing apparatus a permit, in such form as may be set by the Chief of Police, which permit shall be prominently visible and displayed on each tow truck or wrecker or flatbed truck at all times. The permit shall bear the name of the owner, the rate of charges, and a notice that in case of any complaint, the complainant may notify the Chief of Police, giving the license number of the wrecker. The card shall also have the signature of the Chief of Police and the date of inspection of the towing apparatus.

Section 10. INSPECTION. The Chief of Police is hereby authorized to establish reasonable rules and regulations for the inspection

the Township Administrator within twenty (20) calendar days of the final hearing.

Section 12. RECORD OF OWNERS AND OPERATORS. The Chief of Police shall keep a record of names of all persons owning or operating towing apparatus and licensed hereunder and the date and complete record of inspections made of them.

Section 13. RATES. Every licensed owner of towing apparatus shall give the owner of the vehicle a written receipt for the fee paid for the rendering of any towing service hereunder. Copies of receipts shall be maintained by owner for 3 years and available for inspection by authorized Township officials. The ordinance does not regulate nor does it seek to regulate the rates to be charged for the transportation, hauling or service of disabled vehicles by a permit holder but does seek to assure the timely dispatch of adequate towing equipment to scenes of accidents and in other circumstances requiring the removal of vehicles in order to safeguard the public health, safety and welfare.

Section 14. CONDUCT OF OWNERS AND OPERATORS. A towing permit hereunder shall be issued subject to the following conditions:

a. No person owning or operating towing apparatus licensed under this regulation shall permit or invite loitering within or near the towing apparatus when in use.

b. No person shall solicit, demand, or receive from any person any commission or fee except the fee for transporting the vehicle to be towed.

c. No person shall pay any gratuity, tip, or emolument to any third person not involved in the towing or removal of any vehicle or to any police officer for any information as to the location of any accident or for soliciting the employment of the operator's services.

d. The holder of a towing permit shall not release to anyone any motor vehicle(s) towed by said permit holder without first obtaining a Towed Vehicle Release Form issued by the Wall Township Police Department.

e. The holder of a towing permit shall forthwith and without delay release to the owner thereof any motor vehicle which has been towed or stored by said permit holder upon payment of the towing and/or storage fee and obtaining of a receipt for said vehicle from the owner thereof.

Section 15. RECORDS REQUIRED TO BE KEPT.

a. Vehicles requested towed by the Police Department: All companies on the towing list shall maintain a record regarding all vehicles towed at the request of the Police Department. This record shall be made available to any police officer for inspection upon request and shall contain the following information:

- (1) The date, time, location, and name of the towing apparatus driver who towed the vehicle at the Department's request.
- (2) The physical location of the vehicle after being towed.
- (3) Identification of the towed vehicle to include make, year, model, color, vehicle identification number, license number, and name of registered owner if known.
- (4) Fee charged for such towing service.

b. A list of all vehicles presently stored shall be submitted to the Wall Township Police Department including the following:

- (1) Make, model and color
- (2) Registration number and State of registration
- (3) Vehicle identification number
- (4) Officer's name requesting the tow or impound

Section 16. NOTICE TO VEHICLE OWNERS.

All tow/wrecker operators will be required to contact the registered owner of the towed vehicle in order to facilitate the removal of said vehicle from the storage facility. The tow operator will be required to contact the registered owner via the postal service by registered mail. A copy of the receipt, along with the time and date of telephone conversations, will be filed with the Wall Township Police Department on the last

calendar day of each month. Failure to submit the required information will result in the removal of the towing service and any request for storage fees will be subject to critical examination. The Wall Township Police will, at the tow operator's request, supply related information as to the owners of the vehicles, last known address and any other data that may be of assistance.

It shall be the duty of the tow operator to advise the Wall Township Police Traffic Division when a vehicle has been removed from their property. This is to be done in written form within 48 hours of such release.

Section 17. ROTATING CALL LIST.

a. Holders of towing permits performing towing service under these regulations shall perform on an established territorial basis. Each permit holder shall respond within his prescribed area of the Township and his garage or place of business shall be located within the Township of Wall. The Chief of Police is hereby authorized to establish the territorial area of each towing company and is further authorized to adjust, alter or change the boundries of territories for the effective and efficient operation of the Police Department or in the interest of the public health, safety and welfare. In the event that the holder of a towing permit, when called on to respond by the

Police Department, is unavailable or unable to respond, the Police Department is authorized to call on another permit holder for said service. The Police Department shall keep a list of all requests for towing apparatus, indicating therein the date, time and place to which called and whether the tower called was available, and if not available, the reason why, and the name of the towing permit holder next called. No person shall respond to the scene of an accident except upon notification by the officer in charge of police headquarters or upon request of the driver or owner of the vehicle concerned. Towing apparatus must be dispatched upon receipt of notification from the Police Department and shall not arrive at the scene more than 20 minutes after being so notified. The Police Department in the discharge of its duties and under circumstances affecting the public health, safety and welfare may suspend, change or alter the territorial areas of the respective holders of towing permits or may call any licensed towers into the territories of approved companies. If at any time more than two wreckers are required in a prescribed territory in order that the performance of towing services may be efficiently rendered and the public's traffic safety assured the Police Department is hereby authorized to call upon one or more approved holders of towing permits to respond to the dispatch of the Police Department.

b. Additional rules and regulations regarding the rotation of wreckers as may be promulgated hereunder by the Chief of Police shall take effect immediately after mailing, by certified mail, return receipt requested, of a copy thereof to all permit holders for towing apparatus in the Township, which mailing may be made by addressing same to the permit holders at their last known addresses.

The foregoing shall not limit in any way the authority herein conferred upon the Chief of Police to promulgate rules and regulations providing for the removal and storage of disabled heavy duty motor vehicles such as tractor-trailers, construction equipment requiring specialized towing equipment.

Section 18. CLEAN UP AT SCENE OF ACCIDENT.

The driver of the towing apparatus shall be required to clean up broken glass and debris from the scene of any accident to which he is called, before leaving the scene thereof.

Section 19. APPLICATION.

This ordinance shall not apply where the towing apparatus is called to perform services by the owner of the disabled vehicle to be towed or serviced. Nor shall any provision contained herein be interpreted or construed in any manner to interfere with or

obstruct a member of the Wall Township Police Department in the performance of his duties and the enforcement of the Motor Vehicle Traffic Laws of the State of New Jersey.

Section 20. VIOLATIONS.

Any person violating the provisions of this ordinance shall be subject to a fine of not more than \$1,000.00 for each violation and/or removal from the approved towing list.

Section 21. EFFECTIVE DATE.

This ordinance will take effect upon final passage and publication according to law.

NOTICE

Notice is hereby given that the foregoing ordinance was introduced and passed on first reading by the Township Committee of the Township of Wall on March 15, 1989 and will be further considered for final passage and adoption at a meeting of the Township Committee of the Township of Wall at the Municipal Courtroom, Police Headquarters Building, Allaire Road, Township of Wall, on April 4, 1989 at 7:00 PM or as soon thereafter as the matter can be reached on the Agenda, at which time and place all persons interested therein shall be given an opportunity to be heard and during the week prior to and up to and including the date of such meeting, copies of said ordinance will be made available at the Clerk's Office in the Township of Wall, Township Hall, to the members of the general public who shall request the same.

BEATRICE M. GASSNER, Township Clerk